

SUBJECT:	Requiring the Sunset Advisory Commission to review personal data sales
COMMITTEE:	State Affairs — favorable, without amendment
VOTE:	11 ayes — Hunter, Dean, Geren, Guillen, Metcalf, Raymond, Slawson, Smithee, Spiller, S. Thompson, Turner 0 nays 2 absent — Hernandez, Anchía
SENATE VOTE:	On final passage (April 5) — 31 - 0
WITNESSES:	For — (<i>Registered, but did not testify</i> : Karen Marshall) Against — None On — (<i>Registered, but did not testify</i> : Steven Ogle, Sunset Advisory Commission)
BACKGROUND:	Some have suggested that state agencies should not be allowed to sell certain personal data unless there is a compelling state interest in doing so.
DIGEST:	SB 821 would require the Sunset Advisory Commission to include in its review of a state agency a determination of whether the agency sold personal data it possessed. Personal data would mean any information that directly identified an individual by reference to: <ul style="list-style-type: none">• an identifier, including a name, identification number, location information, or an online identifier; or• one or more factors specific to the physical, physiological, genetic, mental, economic, cultural, or social identity of the individual. If the agency sold personal data, the commission would be required to determine:

- to whom the data was sold;
- to the extent possible, the purpose for which the data was sold;
- the amount the agency received for the data; and
- the law that authorized the agency to sell the data.

The commission would be required to recommend prohibiting the sale of personal data by a state agency, unless the commission identified a compelling state or public interest justifying the agency's authority to sell the data. If the commission recommended continuing the agency's authority to sell personal data, the commission would be required to make any recommendation it considered necessary to protect the data from improper use and dissemination.

The bill would take effect September 1, 2023.